

Introduced by Senator Ashburn

December 6, 2004

Senate Resolution No. 4— Relative to the Standing Rules of the Senate for the 2005–06 Regular Session.

Resolved by the Senate of the State of California, That the following rules be, and the same are hereby adopted as, the Standing Rules of the Senate for the 2005–06 Regular Session:

STANDING RULES OF THE SENATE

CONVENING AND SESSIONS

Hours of Meeting

1. The Senate shall meet at 9:00 a.m. daily, except Saturdays and Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro Tempore, Vice Chair of the Committee on Rules, or senior member present shall call the Senate to order at the hour stated and, if a quorum is present, shall proceed with the order of business.

Attendance of Senators

3. No Senator may absent himself or herself from attendance upon the Senate without first obtaining leave. A lesser number than a quorum of the Senate is authorized to send the Sergeant at

1 Arms for any and all absent Senators at the expense of the absent
2 Senators, unless an excuse for nonattendance made to the Senate
3 when a quorum is present shall be judged sufficient, and in that
4 case the expense shall be paid out of the Senate Operating Fund.
5 The President pro Tempore or Presiding Officer, or less than a
6 quorum present, shall have the power to issue process directly to
7 the Sergeant at Arms to compel the attendance of Senators absent
8 without leave. Any Senator who refuses to obey that process,
9 unless sick or unable to attend, shall be deemed guilty of
10 contempt of the Senate, and the Sergeant at Arms shall have
11 power to use force as may be necessary to compel the attendance
12 of the absent Senator, and for this purpose he or she may
13 command the force of the county, or of any county in the state.

14 15 Order of Business

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17 4. The order of business shall be as follows:
18 (1) Rollcall.
19 (2) Prayer by the Chaplain.
20 (3) Pledge of Allegiance.
21 (4) Privileges of the Floor.
22 (5) Communications and Petitions.
23 (6) Messages from the Governor.
24 (7) Messages from the Assembly.
25 (8) Reports of Committees.
26 (9) Motions, Resolutions and Notices.
27 (10) Introduction and First Reading of Bills.
28 (11) Consideration of Daily File:
29 (a) Second Reading.
30 (b) Special Orders.
31 (c) Unfinished Business.
32 (d) Third Reading.
33 (12) Announcement of Committee Meetings.
34 (13) Leaves of Absence.
35 (14) Adjournment.

36 37 Executive Sessions

- 38
39 5. When a motion is adopted to close the doors of the Senate,
40 on the discussion of any business that may require an executive

1 session, the President shall require all persons, except the
2 Senators, Secretary, Minute Clerk, and Sergeant at Arms, to
3 withdraw, and during the discussion of that business the doors
4 shall remain closed. Every Senator and officer present shall keep
5 secret all matters and proceedings concerning which secrecy
6 shall be enjoined by order of the Senate.

7
8 OFFICERS OF THE SENATE

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10 The President

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12 6. The President shall maintain order in the Senate Chamber
13 and, in case of a disturbance or disorderly conduct outside the
14 bar, or in the gallery, the President (or Chair of the Committee of
15 the Whole) shall have the power to order the same cleared.

16
17 The President pro Tempore

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19 7. The President pro Tempore shall take the Chair and call
20 the Senate to order at the hour of the meetings of the Senate. The
21 President pro Tempore is the Presiding Officer of the Senate.

22 It shall be the particular responsibility of the President pro
23 Tempore to secure the prompt and businesslike disposition of
24 bills and other business before the Senate.

25 The President pro Tempore shall serve ex officio as a member
26 of all Senate and joint committees of which he or she is not a
27 regular member, with all of the rights and privileges of that
28 membership except the right to vote. In counting a quorum of
29 any of these committees, the President pro Tempore may not be
30 counted as a member.

31 The Vice Chair of the Committee on Rules shall, in the
32 absence of the President pro Tempore, perform the duties, and
33 have all powers and authority, of the President pro Tempore.

34
35 Presiding by Senators

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37 8. The President pro Tempore of the Senate may name any
38 Senator to perform the duties of the Chair in his or her absence.
39 The Senator so named shall be vested, during that time, with all

1 the powers of the President pro Tempore, and the Senator who
2 performs these duties shall be known as the Presiding Officer.

3
4 Secretary of the Senate
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6 9. It shall be the duty of the Secretary of the Senate to attend
7 every session, call the roll, and read all bills, amendments, and
8 resolutions, and all papers ordered read by the Senate or the
9 Presiding Officer.

10 The Secretary of the Senate shall superintend all printing to be
11 done for the Senate.

12 The Secretary of the Senate shall certify to, and transmit to, the
13 Assembly all bills, joint and concurrent resolutions,
14 constitutional amendments, and papers requiring the concurrence
15 of the Assembly, immediately after their passage or adoption by
16 the Senate.

17 The Secretary of the Senate shall also keep a correct Journal of
18 the proceedings of the Senate, and shall notify the Assembly of
19 the action by the Senate on all matters originating in the
20 Assembly and requiring action on the part of the Senate.

21 The Secretary of the Senate shall have custody of all bills,
22 documents, papers, and records of the Senate and may not permit
23 any of the bills, documents, records, or papers to be taken from
24 the Desk or out of his or her custody by any person, except in the
25 regular course of the business of the Senate.

26 The Secretary of the Senate is the Executive Officer of the
27 Committee on Rules and shall act as its authorized representative
28 in all matters delegated to him or her by the committee.

29 Initiative measures received by the Secretary of the Senate in
30 accordance with Section 9034 of the Elections Code shall be
31 transmitted to the Committee on Rules and referred by the
32 Committee on Rules to the appropriate committee.

33
34 Sergeant at Arms of the Senate
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36 10. The Sergeant at Arms shall attend the Senate during all of
37 its sittings, and shall execute the commands of the Senate from
38 time to time, together with all process issued by its authority, as
39 shall be directed to him or her by the President. The Sergeant at
40 Arms is authorized to arrest for contempt all persons outside the

1 bar, or in the gallery, found in loud conversation or otherwise
2 making a noise to the disturbance of the Senate. The actual
3 expenses for the Sergeant at Arms for every arrest and for each
4 day's custody and release, and his or her traveling expenses, shall
5 be paid out of the Senate Operating Fund.

6 The Sergeant at Arms shall place copies of all bills, joint and
7 concurrent resolutions, constitutional amendments, Journals,
8 Histories, and Files, when printed, on the desks of Senators, at
9 least one hour previous to the opening of the session.

10
11 Elected and Appointed Officers
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13 10.5. On the first day of each session, the President pro
14 Tempore, members of the Committee on Rules, Secretary of the
15 Senate, and Sergeant at Arms shall be elected by a majority vote
16 of the duly elected and qualified Members of the Senate and shall
17 serve until their successors are elected and qualify. The
18 Committee on Rules shall appoint an Assistant Secretary, a
19 Minute Clerk, a Chaplain, and other employees with such duties
20 as the committee requires.

21
22 Officers and Employees Compensation: Approval
23

24 10.6. The Controller is hereby authorized and directed to
25 draw his or her warrants in favor of officers and employees who
26 render services to the Senate, as certified by the Committee on
27 Rules or by its authorized representative, from the fund set aside
28 for the pay of officers and employees of the Senate at the rate of
29 compensation certified by the committee or its representative,
30 and the Treasurer is hereby directed to pay the same.

31
32 COMMITTEES OF THE SENATE
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34 Appointment of Committees
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36 11. The Committee on Rules shall consist of the President
37 pro Tempore of the Senate, who shall be the chair of the
38 committee, and four other Members of the Senate to be elected
39 by the Senate. There is a vacancy on the committee in the event a
40 member ceases to be a Member of the Senate or resigns from the

1 Committee on Rules. Any vacancy occurring during a summer,
2 interim study, or final recess, except in the case of the President
3 pro Tempore, shall be filled by the remaining members of the
4 Committee on Rules. A vacancy occurring at any other time shall
5 be filled by election by the Senate.

6 The Committee on Rules shall appoint all other committees of
7 the Senate and shall designate a chair and vice chair of each
8 committee.

9 In making committee appointments, the Committee on Rules
10 shall give consideration to seniority, preference, and experience.
11 However, in making committee appointments, the Committee on
12 Rules shall, as far as practicable, give equal representation to all
13 parts of the state.

14 Standing Committees

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17 12. The standing committees of the Senate and subjects to be
18 referred to each are set out below. The provisions set forth below
19 as to the assignment of bills are intended as a guide to the
20 Committee on Rules, but are not binding upon the committee.

21 (1) Agriculture. Bills relating to agriculture.

22 (2) Appropriations. Bills that are subject to Joint Rule 10.5 and
23 are not referred to the Budget and Fiscal Review Committee.
24 Bills that constitute a state-mandated local program.

25 (3) Banking, Finance and Insurance. Bills relating to financial
26 institutions, commerce, international trade, retail credit interest
27 rates, and corporations. Bills relating to insurance, indemnity,
28 surety, warranty agreements, liens, claims, unclaimed property,
29 collections, and franchises.

30 (4) Budget and Fiscal Review. The Budget Bill and bills
31 implementing the Budget. Bills that directly affect the State
32 Budget, including deficiencies and reappropriations.

33 (5) Business, Professions and Economic Development. Bills
34 relating to business and professional practices and regulations
35 other than bills relating to horseracing, alcoholic beverages, oil,
36 mining, geothermal, or forestry industries. Bills relating to
37 economic and community development.

38 (6) Elections, Reapportionment, and Constitutional
39 Amendments. Bills relating to elections and reapportionment.
40 Bills relating to constitutional amendments, when favorably

1 reported out of the standing committee having jurisdiction of the
2 subject matter.

3 (7) Education. Bills relating to education, higher education,
4 and certificated educational personnel.

5 (8) Energy, Utilities, and Communications. Bills relating to
6 utilities, energy companies, alternative energy development and
7 conservation, and communications development and technology.

8 (9) Environmental Quality. Bills relating to environmental
9 quality, air quality, water quality, integrated waste management,
10 toxics, and hazardous waste.

11 (10) Governmental Organization. Bills relating to horseracing,
12 public gaming, and alcoholic beverages.

13 (11) Government Modernization, Efficiency and
14 Accountability. Bills relating to state government organization,
15 management of public safety emergencies and disaster response,
16 and legislation permitting the use of state-controlled lands. Bills
17 that have been considered by other committees having
18 jurisdiction of the appropriate subject, for consideration of any
19 question relating to state government.

20 (12) Health. Bills relating to public health.

21 (13) Human Services. Bills relating to welfare and social
22 services.

23 (14) Judiciary. Bills amending the following:

24 (a) Civil Code, except measures related to retail credit interest
25 rates.

26 (b) Code of Civil Procedure.

27 (c) Evidence Code, except matters relating to criminal
28 procedure.

29 (d) Family Code.

30 (e) Probate Code.

31 (15) Labor and Industrial Relations. Bills relating to labor,
32 industrial safety, unemployment, workers' compensation and
33 insurance, and noncertificated public school employees.

34 (16) Local Government. Bills relating to local governmental
35 procedure and organization. Bills relating to land use. Bills that
36 have been considered by other committees having jurisdiction of
37 the appropriate subject, for consideration of any questions
38 relating to local government administration.

39 (17) Natural Resources and Water. Bills relating to
40 conservation and the management of public resources, fish and

1 wildlife, regulation of oil, mining, geothermal development, acid
2 deposition, wetlands and lakes, global atmospheric effects, ocean
3 and bay pollution, forestry practices, recreation, parks, historical
4 resources, and beverage container recycling. Bills relating to
5 water supply management.

6 (18) Public Employment and Retirement. Bills relating to state
7 and local nonschool public employees and public employee
8 retirement.

9 (19) Public Safety. Bills amending the following:

10 (a) Evidence Code, relating to criminal procedure.

11 (b) Penal Code.

12 (c) Statutes of a penal nature not related closely to a subject
13 included in another subdivision of this rule.

14 (d) Bills relating to the Youth and Adult Corrections Agency.

15 (20) Revenue and Taxation. Bills relating to state and local
16 revenues and taxation, except bills described in subdivision (a) of
17 Rule 28.9.

18 (21) Rules. Proposed amendments to the rules and other
19 matters relating to the business of the Legislature.

20 (22) Transportation and Housing. Bills relating to the
21 operation, safety, equipment, transfer of ownership, licensing,
22 and registration of vehicles, aircraft, and vessels. Legislation
23 affecting the Department of Transportation and the Department
24 of Motor Vehicles. Bills relating to waterways, harbors,
25 highways, public transportation systems, and airports. Bills
26 relating to housing.

27 (23) Veterans Affairs. Bills relating to veterans, military
28 affairs, and armories. Bills amending the Military and Veterans
29 Code.

30 The standing committees of any regular session shall be the
31 standing committees of concurrent special or extraordinary
32 sessions unless otherwise ordered by the Senate.

33
34 Committee on Legislative Ethics
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36 12.3. (a) (1) The Committee on Legislative Ethics is hereby
37 created. The committee shall be appointed by the Committee on
38 Rules and shall consist of six Senators, at least two of whom are
39 members of the political party having the greatest number of
40 members in the Senate and at least two of whom are members of

1 the political party having the second greatest number of members
2 in the Senate. The members of the committee shall serve
3 two-year terms. The President pro Tempore and the Minority
4 Floor Leader shall serve as ex officio, nonvoting members of the
5 committee.

6 (2) The Committee on Rules shall select a Chair and a Vice
7 Chair, who may not be members of the same political party. The
8 Chair may not serve more than two consecutive two-year terms,
9 and the Committee on Rules shall select a successor who is not a
10 member of the same political party as the immediately previous
11 Chair.

12 (3) Vacancies in the committee shall be filled within 30 days
13 by the Committee on Rules for the remainder of a term.

14 (4) If a complaint is filed against a member of the committee,
15 the Committee on Rules shall temporarily replace the member
16 with a Senator of the same political party, who shall serve until
17 the complaint is dismissed by the committee or the Senate takes
18 action as it deems appropriate, whichever occurs earlier.

19 (5) The Committee on Rules, upon the recommendation of the
20 Committee on Legislative Ethics, shall appoint a Chief Counsel
21 to assist the committee in carrying out its functions. The staff of
22 the committee shall be considered permanent and professional,
23 and shall perform their duties in a nonpartisan manner. No staff
24 of the committee may engage in partisan activities regarding a
25 Senate election campaign. The committee may retain
26 independent counsel when necessary for specific investigations.

27 (b) The committee shall do all of the following:

28 (1) The committee shall formulate and recommend, for
29 adoption by the Senate, standards of conduct for Senators and
30 officers and employees of the Senate in the performance of their
31 legislative responsibilities. The Ethics Manual for Members,
32 Officers, and Employees of the United States House of
33 Representatives, as prepared by the Staff of the Committee on
34 Standards of Official Conduct, 102nd Congress Second Session
35 (United States Government Printing Office, Washington, 1992),
36 the Code of Ethics (Article 2 (commencing with Section 8920) of
37 Chapter 1 of Part 1 of Division 2 of Title 2 of the Government
38 Code), and Joint Rule 44 shall serve as guides in the formulation
39 of the standards of conduct.

(2) At the request of any Senator or officer or employee of the Senate, the committee shall provide an advisory opinion with respect to the standards of conduct of the Senate on the general propriety of past, current, or anticipated conduct of that Senator, officer, or employee. The opinion shall be rendered within 21 days unless the Chair and Vice Chair agree otherwise. The committee may, with appropriate deletions to ensure the privacy of the individuals concerned, publish the advisory opinions for the guidance of other Senators, officers, or employees.

(3) The committee shall develop, issue, and annually update a clear, informative, and usable manual for the Senate based on the standards of conduct adopted by the Senate, including any advisory opinions published pursuant to paragraph (2).

(4) The committee shall conduct periodic workshops, at least once each calendar year, for Senators and officers and employees of the Senate, including workshops specifically designed for newly elected Senators and newly appointed officers and employees. At least once in each biennial session, each Senator, and each officer or employee of the Senate who is a designated employee under the Senate Conflict of Interest Code, shall attend one of these workshops. The workshops shall include, but not be limited to, a comprehensive review of all applicable statutes and Senate rules.

(5) After adoption by the Senate of the standards of conduct, the committee shall receive and review complaints alleging violations of the standards of conduct by Senators, or officers or employees of the Senate, in accordance with the procedures specified in subdivisions (c) to (s), inclusive.

(6) The committee shall maintain a record of its investigations, hearings, and other proceedings. All records, complaints, documents, and reports filed with, submitted to, or made by the committee, and all records and transcripts of any investigations or hearings of the committee shall be confidential and may not be open to inspection by any person other than a member of the committee or the staff of the committee, except as otherwise specifically provided for in this rule. Any member of the committee or any person on the staff of the committee who discloses any record, complaint, document, report, or transcript that is confidential shall be subject to discipline. The committee may, by a majority vote of the membership of the committee,

1 authorize the release of any records, complaints, documents,
2 reports, and transcripts in its possession to the appropriate
3 enforcement agency if the committee determines that there is
4 probable cause to believe that the violation or violations alleged
5 in the complaint would constitute a felony or if the committee
6 determines that the information is material to any matter pending
7 before the enforcement agency.

8 (c) (1) Any person may file a complaint with the committee
9 that alleges a violation of the standards of conduct.

10 (2) Except as provided in paragraphs (3) and (4), a complaint
11 may not be filed more than 18 months after the date that the
12 alleged violation occurred.

13 (3) If the committee determines that the person filing the
14 complaint did not know, or through the exercise of reasonable
15 diligence could not have known, of the alleged violation within
16 18 months after the date that the alleged violation occurred, the
17 complaint may be filed within three years after the date that the
18 alleged violation occurred.

19 (4) If a complaint is filed within 60 days prior to an election at
20 which a Senator or officer or employee is a candidate for elective
21 office, the complaint shall be returned to the person filing the
22 complaint, and the person shall be informed that the complaint
23 may be filed with an appropriate enforcement agency and may be
24 refiled with the committee after the election. The period of time
25 for filing the complaint shall be extended for 60 days.

26 (5) A complaint may not be filed if it alleges a violation that
27 occurred prior to the adoption of the standards of conduct.

28 (d) A complaint shall satisfy all of the following requirements:

29 (1) It shall be in writing.

30 (2) It shall state the name of the person filing the complaint.

31 (3) It shall state the name of Senator, or the name and position
32 or title of the officer or employee of the Senate, who is alleged to
33 have committed a violation of the standards of conduct.

34 (4) It shall set forth allegations that, if true, would constitute a
35 violation of the standards of conduct. The allegations shall be
36 stated with sufficient clarity and detail to enable the committee to
37 make a finding pursuant to subdivision (h).

38 (5) It shall state the date of the alleged violation.

39 (6) It shall include a statement that the allegations are true of
40 the person's own knowledge or that the person believes them to

1 be true, and shall be signed by the person under penalty of
2 perjury.

3 (e) The committee, on its own motion, two-thirds of the
4 membership concurring, may initiate a proceeding by filing a
5 complaint that complies with paragraphs (1) to (5), inclusive, of
6 subdivision (d).

7 (f) The committee shall promptly send a copy of a complaint
8 to the Senator, or officer or employee of the Senate, alleged to
9 have committed the violation, who shall thereafter be designated
10 as the respondent.

11 (g) If a complaint is filed by a person other than the
12 committee, the Chair and Vice Chair of the committee shall
13 examine the complaint to determine whether it was filed in
14 accordance with this rule and any rules of the committee. Within
15 15 days after the complaint is filed, the Chair and Vice Chair
16 shall provide to the committee a copy of the complaint and their
17 opinion as to whether the allegations in the complaint, if true,
18 would constitute a violation of the standards of conduct. If the
19 committee, by a two-thirds vote of its membership, finds that the
20 allegations, if true, would constitute a violation of the standards
21 of conduct, the committee shall hold a hearing within 30 days to
22 conduct a preliminary inquiry. If two-thirds of the membership of
23 the committee fails to find that the allegations, if true, would
24 constitute a violation of the standards of conduct, it shall dismiss
25 the complaint and so notify the person who filed the complaint
26 and the respondent, and the complaint shall not be made public.

27 (h) At the preliminary inquiry, the respondent may respond to
28 the allegations in the complaint by written statement or oral
29 testimony. If two-thirds of the membership of the committee
30 finds that probable cause exists for believing that the respondent
31 committed a violation of the standards of conduct, the committee
32 shall issue a count-by-count statement of alleged violations. If
33 two-thirds of the membership of the committee fails to find that
34 probable cause exists, the committee shall dismiss the complaint.
35 In either event, the committee shall immediately notify the
36 respondent and the person who filed the complaint of its action.
37 If the committee finds that probable cause exists, the statement of
38 alleged violations shall be made public within seven days.

39 (I) Within 21 days after the issuance of the statement of
40 alleged violations, the respondent may file an answer that admits

1 or denies each count. Upon request of the respondent, the
2 committee may grant the respondent an additional 21 days to
3 respond.

4 (j) Within 60 days after the issuance of the statement of
5 alleged violations, the committee shall hold a disciplinary
6 hearing. If a majority of the membership of each party on the
7 committee fails to find that the respondent committed a violation
8 of the standards of conduct, the committee shall dismiss the
9 complaint. If a majority of the membership of each party on the
10 committee finds by clear and convincing evidence that the
11 respondent committed a violation of the standards of conduct, the
12 committee shall take the following action:

13 (1) If the respondent is a Senator, it shall hold a hearing to
14 determine an appropriate sanction.

15 (2) If the respondent is an officer or employee, it shall transmit
16 its findings to the Committee on Rules for appropriate action.

17 (k) (1) At the hearing to determine an appropriate sanction,
18 two-thirds of the membership of the committee shall determine
19 whether the violation is serious or minor.

20 (2) If the committee determines that a violation is minor or
21 fails to determine that a violation is serious, two-thirds of the
22 membership of the committee (A) shall, if it determines that the
23 violation bears upon the exercise of a right or privilege,
24 recommend that the Committee on Rules deny or limit that right
25 or privilege and shall transmit its findings and recommendation
26 to the Committee on Rules, or (B) shall impose any lesser
27 sanction. Within 15 days after the imposition of a lesser sanction,
28 the respondent may appeal the sanction imposed to the
29 Committee on Rules.

30 (3) If the committee determines that a violation is serious,
31 two-thirds of the membership of the committee shall recommend
32 that the Senate take one or more of the following actions and
33 shall transmit its findings and recommendation to the Senate:

34 (A) The denial or limitation of any right or privilege, if the
35 violation bears upon the exercise of that right or privilege.

36 (B) A reprimand for a serious violation.

37 (C) A censure for a more serious violation.

38 (D) An expulsion for a most serious violation.

39 (l) The Senate shall, within 15 legislative days after receiving
40 the findings and recommendation, vote on the recommendation

1 of the committee. The Senate, by 21 votes, may deny or limit any
2 right or privilege of, reprimand, or censure the Senator or, by 27
3 votes, may expel the Senator.

4 (m) The committee or Senate may defer any action required by
5 this rule if other proceedings have been commenced on the same
6 matter.

7 (n) (1) At all hearings, the Chief Counsel of the committee
8 shall present the case. All relevant and probative evidence is
9 admissible unless it is privileged. Witnesses may be called and
10 cross-examined by the committee and the respondent, and
11 exhibits and other documents may be entered into the record. The
12 respondent has the right to be represented by legal counsel or any
13 other person of his or her choosing.

14 (2) If the committee receives, at any time, any exculpatory
15 information relating to the alleged violation, the committee shall
16 make the information available to the respondent.

17 (o) If the committee determines that the complaint was filed
18 with malicious intent, it may request that the Committee on Rules
19 reimburse the expenses incurred by the respondent.

20 (p) At any time during the proceedings, the respondent may
21 admit that he or she committed a violation of the standards of
22 conduct. If the respondent admits some but not all of the
23 violations alleged in the complaint or the counts set forth in the
24 statement of alleged violations, the committee shall find that the
25 admitted violations constituted a violation of the standards of
26 conduct and may continue the proceedings to determine whether
27 the other alleged violations constituted violations of the standards
28 of conduct. If the respondent admits to all alleged violations, the
29 committee shall find that the admitted violations constituted a
30 violation of the standards of conduct, terminate the preliminary
31 inquiry or disciplinary hearing, and take the action required by
32 paragraph (1) or (2) of subdivision (j).

33 (q) Meetings of the committee may not be open to the public
34 until the committee finds that probable cause exists for believing
35 that the respondent committed a violation of the standards of
36 conduct. Subsequent meetings of the committee or Senate shall
37 be public, and notice of any meeting shall be published in the
38 Senate File for four calendar days prior to the meeting.

39 (r) If the committee finds that probable cause exists for
40 believing that the respondent committed a violation of the

1 standards of conduct, the transcript of any testimony given, or
2 any documents admitted into evidence, at a public hearing and
3 any report prepared by the committee subsequent to that finding
4 that states a final finding or recommendation shall be open to
5 public inspection.

6 (s) Upon request of the respondent, the committee may permit
7 the respondent to inspect, copy, or photograph books, papers,
8 documents, photographs, or other tangible objects that relate to
9 the allegations in the complaint. If the committee finds that
10 probable cause exists for believing that the respondent committed
11 a violation of the standards of conduct, the committee shall
12 permit the respondent to inspect, copy, or photograph books,
13 papers, documents, photographs, or other tangible objects that
14 relate to the statement of alleged violations.

15 (t) (1) A Senator or officer or employee of the Senate may not
16 directly or indirectly use or attempt to use his or her official
17 authority or influence to intimidate, threaten, coerce, command,
18 or attempt to intimidate, threaten, coerce, or command any
19 person for the purpose of interfering with the right of that person
20 to file a complaint with the committee, testify before, or in any
21 way cooperate with, the committee or any panel.

22 (2) For the purpose of paragraph (1), “use of official authority
23 or influence” includes promising to confer, or conferring, any
24 benefit; effecting, or threatening to effect, any reprisal; or taking,
25 or directing others to take, or recommending, processing, or
26 approving, any personnel action, including, but not limited to,
27 appointment, promotion, transfer, assignment, performance
28 evaluation, suspension, or other disciplinary action.

29 (3) Nothing in this subdivision may be construed to authorize
30 any person to disclose information the disclosure of which is
31 otherwise prohibited by law.

32 (u) The committee may adopt rules governing its proceedings
33 not inconsistent with this rule. The provisions of Joint Rule 36
34 relating to investigating committees apply to the committee to the
35 extent those provisions are consistent with this rule.

36 (v) The powers and procedures set forth in subdivisions (b) to
37 (u), inclusive, confer independent authority and may not be
38 limited or altered by Joint Rule 45.

General Research Committee

12.5. The General Research Committee is hereby created pursuant to Section 11 of Article IV of the California Constitution, which relates to legislative committees. The committee consists of the 40 Senators, and the President pro Tempore is its chair. The committee is allocated all subjects within the scope of legislative regulation and control, but may not undertake any investigation that another committee has been specifically requested or directed to undertake. The General Research Committee may act through subcommittees appointed by the Senate Committee on Rules, and each of the subcommittees may act only on the particular study or investigation assigned by the Committee on Rules to that subcommittee. Each member of the General Research Committee is authorized and directed to receive and investigate requests for legislative action made by individuals or groups and to report thereon to the full committee.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Senate Rules and the Joint Rules of the Senate and Assembly. However, neither the committee nor its members may issue a subpoena without the prior approval of the Committee on Rules. The committee has the following additional powers and duties:

(a) To contract with other agencies, public or private, for the rendition and affording of services, facilities, studies, and reports to the committee as the committee deems necessary to assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope established by this rule, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(c) To meet and act at any place within the State of California and, when authorized in writing by the Committee on Rules to do so, to meet and act outside the state to carry out its duties.

(d) To report its findings and recommendations to the Legislature and the people from time to time.

1 (e) To act during sessions of the Legislature, including any
2 recess.

3 (f) To do any and all other things necessary or convenient to
4 enable it fully and adequately to exercise its powers, perform its
5 duties, and accomplish the objects and purposes of this rule.

6 The Committee on Rules may allocate, from time to time, to
7 the General Research Committee from the Senate Operating
8 Fund those sums that are necessary to permit the General
9 Research Committee and the members thereof to carry out the
10 duties imposed on them. In addition, the Committee on Rules
11 may allocate to any subcommittee from the Senate Operating
12 Fund those sums that the Committee on Rules deems necessary
13 to complete the investigation or study conferred upon that
14 subcommittee.

15
16 Additional Committee on Rules Powers
17

18 12.7. In addition to other rights, duties and powers vested in
19 the Committee on Rules, the committee and the members thereof
20 shall have and exercise all of the rights, duties, and powers of the
21 General Research Committee and the members thereof, as
22 provided in Rule 12.5, with authority to act on any subject
23 allocated by Rule 12.5 to the General Research Committee.

24
25 Committee on Rules
26

27 13. (a) The Committee on Rules is charged with the general
28 responsibility for the administrative functioning of the Senate.
29 The committee has general charge of the books, documents, and
30 other papers and property of the Senate and shall see that the
31 same are properly kept, cared for, filed, or otherwise disposed of
32 in accordance with applicable law and rules. The committee also
33 has the duties of making studies and recommendations designed
34 to promote, improve, and expedite the business and procedure of
35 the Senate and its committees, including investigating
36 committees consisting wholly or in part of Members of the
37 Senate, and of proposing any amendments to the rules deemed
38 necessary to accomplish those purposes.

39 (b) The Committee on Rules shall continue in existence during
40 any recess of the Legislature until the convening of the next

1 regular session, and shall have the same powers and duties as
2 while the Senate is in session. The committee has the authority to
3 fill vacancies in any Senate committee or in the Senate
4 membership of any joint committee.

5 (c) The committee and its members shall have and exercise all
6 of the rights, duties, and powers conferred upon investigating
7 committees and their members by the Joint Rules of the Senate
8 and Assembly as they are adopted and amended from time to
9 time, which provisions are incorporated herein and made
10 applicable to the Committee on Rules and its members.

11 (d) The committee may make available to any Senate or joint
12 committee, or any Member of the Senate, assistance in
13 connection with the duties of the committee or other legislative
14 matters as the personnel resources under the direction of the
15 committee or its other facilities permit.

16 (e) All employees on the payroll of the Senate are employees
17 of the Senate and not of individual members, and they are under
18 the direct control of the Committee on Rules. The Committee on
19 Rules has general supervision over all employees of the Senate
20 and the powers and duties to suspend, discipline, or discharge
21 any employees when necessary. Any insubordination or
22 inefficiency on the part of any employee shall be reported to the
23 Committee on Rules.

24 (f) The committee shall make available and furnish to the
25 Members of the Senate, and the Senate committees, personnel
26 resources as may be reasonably necessary for the Members and
27 the committees to carry out their duties.

28 (g) The Committee on Rules constitutes the Committee on
29 Introduction of Bills and has charge of the engrossment and
30 enrollment of bills, the contingent expenses of the Senate, and
31 legislative printing, except insofar as these functions are
32 delegated to the Secretary of the Senate.

33 (h) The rooms, passages, and buildings set apart for the use of
34 the Senate are under the direction of the Committee on Rules,
35 and the committee may assign the press desks in the Senate
36 Chamber to accredited newspaper representatives.

37 (I) Executive communication of nominations sent by the
38 Governor to the Senate for confirmation shall be referred to the
39 Committee on Rules, unless otherwise ordered by the Senate,
40 without debate.

1 (j) The Committee on Rules shall, at each regular session,
2 appoint a Member of the Senate to serve on the Judicial Council
3 and has the authority during any joint recess to fill any vacancy
4 in that position that occurs during the recess.

5 (k) When a report of a joint legislative committee is delivered
6 to the Senate Desk, the Committee on Rules shall refer it to a
7 standing committee for review and appropriate action.

8
9 Expenses of Senate Committees

10
11 13.1. All claims for expenses incurred by investigating
12 committees of the Senate, the Secretary of the Senate, and the
13 Sergeant at Arms shall be approved by the Committee on Rules
14 or its authorized representative before the claims are presented to
15 the Controller.

16 All proposed expenditures, including furniture, equipment, and
17 other property, but not including stationery supplies, shall be
18 approved by the Committee on Rules or its authorized
19 representatives before the expenses are incurred, unless the
20 expenditure is specifically exempted from the provisions of this
21 rule by the resolution authorizing it.

22 A warrant may not be drawn in payment of any claim for
23 expenses until the approval of the Committee on Rules, or its
24 authorized representative, has been obtained in accordance with
25 this rule.

26 The Committee on Rules may adopt rules and regulations
27 limiting the amount, time, and place of expenses and allowances
28 to be paid to employees of Senate investigating committees and
29 regulating the terms and conditions of employment of their
30 employees. Copies of all rules and regulations adopted pursuant
31 to this rule shall be distributed to the chair of every investigating
32 committee.

33
34 Alteration, Repair, Improvement to Senate

35
36 13.2. The Committee on Rules is authorized and directed to
37 incur and pay expenses of the Senate not otherwise provided for
38 as the committee determines are reasonably necessary, including
39 the repair, alteration, improvement, and equipping of the Senate

1 Chamber and the offices provided for the Senate in the State
2 Capitol.

3 In order to avoid unanticipated reversions of appropriations for
4 contingent expenses, the Committee on Rules may designate the
5 appropriation from which payment shall be made pursuant to
6 allocations to committees or for other purposes. If insufficient
7 money is available in any appropriation to pay all claims
8 pursuant to allocations charged against it, the committee shall
9 designate another appropriation from which the allocations shall
10 be paid.

11 12 Rooms and Property of Senate 13

14 13.3. The Committee on Rules is responsible for the
15 safekeeping of Senate property. The Director of General Services
16 is directed to maintain the Senate Chamber and all the committee
17 rooms and other rooms used by the Senators and officers of the
18 Senate in a condition that they will be available for the use of the
19 Senate at any time. It is further directed that no persons other
20 than the Members, officers, and employees of the Senate may
21 occupy or use the offices, committee rooms, or other rooms now
22 occupied by the Senate without permission as hereinafter
23 provided, that the desks, furniture, and other equipment of the
24 Senate shall be at the disposal of the Committee on Rules, and
25 that no person except Members of the Senate may occupy any of
26 the Senate's offices or make use of Senate equipment without
27 permission of the committee or its authorized representative.

28 29 Inventory of Senate Property 30

31 13.4. The Committee on Rules is authorized and directed,
32 through its authorized representative, to make and maintain a
33 complete inventory of all property of the Senate, including all
34 property in the possession or control of any Senate committee.
35 The Committee on Rules has custody and control of all property
36 of the Senate and shall adopt rules or orders as it may determine
37 are necessary relating to the purchase, care, custody, and use or
38 disposal thereof.

1 Status of Standing Rules for Regular Session
2

3 13.5. The adoption of the Standing Rules for any special
4 session are not to be construed as modifying or rescinding the
5 Standing Rules of the Senate for a regular session.
6

7 Operating Expense Fund
8

9 13.6. The Committee on Rules is the committee identified in
10 Section 9126 of the Government Code. The balance of all money
11 in the Senate Operating Fund, including money now or hereafter
12 appropriated by the Legislature, except sums that are made
13 available specifically for purposes other than the expenses of
14 designated committees, is hereby made available to the
15 Committee on Rules for any charges or claims it may incur in
16 carrying out the duties imposed upon it by these rules or by
17 Senate or concurrent resolution.
18

19 Rules Committee Appointees
20

21 13.8. The Committee on Rules shall review its nonlegislator
22 appointees every two years. That review shall be completed not
23 later than the 120th calendar day of the regular session in which
24 the review is undertaken.
25

26 Schedule of Committee Meetings
27

28 14. The Committee on Rules shall propose to the Senate such
29 schedules for regular meetings of the standing committees as will
30 permit all members of each committee to attend without a
31 conflict of committee engagements.

32 The committee may also propose such special committee
33 meetings or special schedules of committee meetings as will
34 facilitate the business of the Senate. Those schedules may
35 provide a special schedule of committee meetings upon certain
36 days of the week or to meet any special condition that may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned has full power and authority during the session of the Legislature, or any recess thereof, to make an investigation and study concerning any proposed law or bill as the committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this rule, each committee may appoint a secretary and employ clerical, legal, and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, to require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary. However, no committee may issue a subpoena without the prior approval of the Committee on Rules.

The Sergeant at Arms, or other person designated by the Sergeant at Arms or by the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Each of the members of the standing committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, apply to the committees.

All officers of this state, including the head of each department, agency, and subdivision thereof, all employees of the departments, agencies, and subdivisions of the state, the Legislative Counsel, and all other persons, whether connected with the state government or not, shall give and furnish to these committees upon request such information, records, and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

1 Each standing committee may meet at the State Capitol and do
2 any and all things necessary or convenient to enable it to exercise
3 the powers and perform the duties herein granted to it, and may
4 expend such money as may be made available by the Senate for
5 that purpose, except that no committee may incur any
6 indebtedness unless money has been first made available
7 therefor.

8
9 Funerals

10
11 17.5. The Chair or Vice Chair of the Committee on Rules
12 may designate any one or more of the Members of the Senate as
13 a Senate committee to attend funerals in appropriate
14 circumstances. The Members so designated may receive
15 expenses as provided in Joint Rule 35.

16 The Chair or Vice Chair of the Committee on Rules, or any
17 Member of the Senate designated by either of these officers, may
18 incur such expense as may be necessary for the purchase on
19 behalf of the Senate of suitable floral pieces for the funeral.

20 All expenses incurred pursuant to this rule shall be paid out of
21 the money allocated from the Senate Operating Fund to the
22 Committee on Rules and disbursed, after certification by the
23 Chair or Vice Chair of the committee or by the committee's
24 disbursing officer appointed and designated therefor by the
25 committee, upon warrants drawn by the Controller upon the
26 Treasury.

27
28 Expenditures

29
30 18. A member of a committee may not incur any expense
31 chargeable to the Senate unless authorized by resolution of the
32 Senate.

33 The Committee on Rules shall provide, by rules and
34 regulations, for the manner of authorizing expenditures by
35 Members, committees, and officers and employees of the Senate
36 that are not otherwise authorized by law, these rules, or the Joint
37 Rules of the Senate and Assembly, and for the payment of the
38 expenditures from the Senate Operating Fund upon certification
39 of claims therefor to the Controller by the Committee on Rules or
40 its authorized representative.

1 Printing of Reports
2

3 18.5. All requests for the printing of reports of Senate
4 committees shall be made to the Committee on Rules.

5 The Committee on Rules shall determine if the report is to be
6 printed, the number of copies needed, and whether or not the
7 report shall be printed in the Journal.

8 If the report is to be printed by the State Printer, he or she shall
9 hold the type for each Senate committee report for a period of 90
10 days from the date of the first printing or for such other time as
11 the Committee on Rules deems necessary.

12 PROCEDURES AND RULES
13

14 Joint and Concurrent Resolutions and Constitutional
15 Amendments
16

17 19. Joint and concurrent resolutions and constitutional
18 amendments shall be treated the same as bills under these rules,
19 except that they shall have only one official reading, which
20 reading shall occur after they have been reported by committee.
21

22 Parliamentary Rules
23

24 20. In all cases not provided for by the Constitution, these
25 rules, the Joint Rules of Senate and Assembly, or statute, the
26 authority shall be the latest edition of Mason's Manual.
27

28 Suspension of Rules or Amending of Rules
29

30 21. A standing rule of the Senate may not be adopted,
31 amended, or repealed except upon an affirmative vote of a
32 majority of the membership of the Senate, one day's notice being
33 given, except that any rule not requiring more than a majority
34 vote may be temporarily suspended without that notice by a vote
35 of a majority of the membership of the Senate. A rule requiring a
36 two-thirds vote on any question may be amended only by a
37 two-thirds vote on one day's notice, except that a rule requiring a
38 two-thirds vote may be temporarily suspended without that
39 notice by a two-thirds vote.
40

1 All proposed amendments to these rules shall, upon
2 presentation, be referred to the Committee on Rules without
3 debate.

4
5 Suspension of the Joint Rules
6

7 21.1. Pursuant to Joint Rule 33, a joint rule may not be
8 suspended by the Senate except with the concurrence of 27
9 Members unless a lower vote is prescribed by these rules or the
10 Joint Rules of the Senate and the Assembly.

11
12 Permission of Committee on Rules
13

14 21.2. Notwithstanding Rule 21 or 21.1, a Senate or Joint Rule
15 may not be suspended unless the Committee on Rules determines
16 that an extraordinary circumstance exists that justifies the
17 suspension.

18
19 Rules Governing Standing Committees
20

21 21.5. Except as otherwise provided in these rules, standing
22 committees of the Senate shall be governed as follows:

23 (a) The officers of each Senate committee shall be a chair, vice
24 chair, and secretary.

25 (b) The chair shall preside at meetings when present except
26 when the committee is considering a bill of which he or she is the
27 sole author or the lead author. Whenever the chair is not
28 presiding, the vice chair shall assume the duties of the chair. In
29 the absence of both, a member designated by the chair shall
30 preside.

31 (c) The secretary shall keep a complete record of the meetings
32 and actions taken by the committee. Bills and other measures
33 favorably acted upon shall be reported to the Senate as
34 expeditiously as the reports can be prepared.

35 (d) The committee shall meet in regular session on the day and
36 hour designated by the Committee on Rules. Adjourned meetings
37 or special meetings shall be held at the time fixed in the
38 adjourning motion, or, for a special meeting, on the call of the
39 chair.

(e) A special meeting may be called by the chair, with the approval of the Committee on Rules, by giving reasonable notice to all members of the committee, either in writing or by telephone, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at the meeting. Notice of hearing of bills as required by subdivision (a) of Joint Rule 62 may also be given in the Daily File. A matter may not be considered at the special meeting unless specified in the notice.

A special meeting shall be scheduled so as to permit all members of the committee to attend without conflict with other scheduled committee meetings.

(f) A majority of the membership of the committee shall constitute a quorum. A vote of a majority of the membership of the committee shall be required to table a bill, remove it from the table, or reconsider a vote on a bill.

(g) Action may not be taken on any measure outside of a duly constituted committee meeting.

(h) The chair shall set the hearings of bills and arrange the calendar for committee hearings. Notice of hearing of any bill shall be given to the author and other persons requiring notice. A bill may not be considered in the absence of the author without his or her consent, except that a bill may be presented by the author's representative who is authorized in writing.

(I) A committee or a subcommittee thereof, by a majority vote of the membership of the committee, may meet in executive session for any purpose authorized by Section 9029 of the Government Code. Otherwise, all meetings shall be open and public.

(j) The chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by members of the committee in an orderly fashion and in keeping with proper decorum.

(k) Further consideration of a bill that has been voted out of a committee or defeated shall be by reconsideration only, as follows:

(1) A motion to reconsider a vote by which a bill is voted out shall be in order, and shall be voted upon at the same meeting. If the motion is carried by a vote of a majority of the membership

1 of the committee, the bill may be considered at that meeting,
2 provided the author is present, or at a subsequent meeting.

3 (2) The procedure for reconsideration of a bill that has been
4 defeated shall conform to the requirements of subdivision (a) of
5 Joint Rule 62. Any bill as to which reconsideration has been
6 granted pursuant to this paragraph may not be heard again until a
7 subsequent meeting of the committee, after being calendared in
8 the Daily File.

9 (l) Any bill that has been laid on the table and is removed from
10 the table at a later meeting may not be heard again until a
11 subsequent meeting of the committee, after being calendared in
12 the Daily File and after notice.

13 (m) When a committee adopts proposed amendments to a bill,
14 the bill may be taken up for vote at that meeting or, if the
15 committee or author requests, sent out to print before final action.
16 If the amendments are not in proper form, they shall be prepared
17 and submitted to the chair for approval before being reported to
18 the Desk. Amendments submitted by the author that, in the
19 opinion of the committee chair, are major or substantial shall be
20 submitted to the committee at least two legislative days before
21 the bill is scheduled for hearing.

22 (n) A bill may not be set for hearing, nor may any notice
23 thereof be published, by a Senate committee until the bill has
24 been referred to the committee by the Committee on Rules.

25 (o) The chair may appoint, with the permission of the
26 Committee on Rules, subcommittees of one or more members to
27 consider and recommend to the full committee action on matters
28 as may be assigned to the subcommittee for consideration from
29 time to time by the chair. The chair may assign and reassign
30 members of, and matters to, the various subcommittees. The
31 recommendation of a subcommittee may be accepted by a vote of
32 a majority of the members of the committee.

33 (p) In all cases not provided for by this rule, the Senate Rules,
34 the Joint Rules of the Senate and Assembly, or statute, the
35 authority shall be the latest edition of Mason's Manual.

36
37 Additional Rules
38

39 21.6. Committees may adopt additional rules that are not in
40 conflict with Rule 21.5 or other rules.

1 Reporting Measures Out of Committee

2
3 21.7. The vote of a majority of the membership of a standing
4 committee shall be required to report a bill, constitutional
5 amendment, concurrent resolution, or joint resolution out of
6 committee.

7 A vote of a majority of all members of a standing committee
8 who are present and voting shall be required to report a Senate
9 resolution out of committee.

10
11 Press Participation

12
13 21.8. Accredited press representatives may not be excluded
14 from any public legislative meeting or hearing, and may not be
15 prohibited from taking photographs of, televising, or recording
16 the committee or house hearings, subject to the following
17 conditions:

18 (1) This rule extends to all public legislative meetings.

19 (2) Lights may be used only when cameras are filming and,
20 when possible, proceedings in hearing rooms and the chamber
21 shall be filmed without lights.

22 (3) Every effort should be made to set up filming equipment
23 before hearings or sessions begin.

24 (4) The committee chair or the Committee on Rules shall be
25 notified, as far in advance of the proceedings as possible, that
26 recordings and television cameras will be present and filming.

27 (5) To the extent practical, flash cameras shall not be used.

28 (6) Photographs shall be taken in an orderly and expeditious
29 manner so as to cause the least possible inconvenience to the
30 committee or to the Members in the chamber.

31 However, the chair of a committee may request any person to
32 relocate or remove any object, or discontinue the use of any
33 equipment, that is situated or used in a manner so as to disrupt
34 the proceedings or to create a potential danger to, or substantially
35 obstruct the view of, members of the committee or the public.

36 In case any person fails to respond to a request of the chair to
37 relocate, remove, or discontinue the use of the objects or
38 equipment, the committee may, by majority vote, require it.

1 INTRODUCTION AND REFERENCE OF MEASURES

2
3 Introduction, First Reading, and Reference of Measures
4

5 22. Any Senator desiring to introduce a bill, constitutional
6 amendment, concurrent resolution, joint resolution, or Senate
7 resolution shall send it to the Senate Desk.

8 When received at the Secretary's desk, a bill shall, under the
9 proper order of business, be numbered, read, printed, and referred
10 by the Committee on Rules to a standing committee. The
11 Committee on Rules shall check all Assembly measures before
12 reference to committee and shall designate the committee to
13 which they shall be referred.

14 All joint resolutions, concurrent resolutions, and Senate
15 resolutions shall be automatically referred to the Committee on
16 Rules upon introduction, and may be rereferred to any other
17 standing committee upon the vote of a majority of the
18 membership of the Committee on Rules.

19 Unless otherwise ordered by the Senate without debate, the
20 assignment of the measure shall then be complete and, after
21 printing, the Secretary shall deliver the measure to the committee
22 designated by the Committee on Rules.

23 Under the order of Messages from the Assembly, the Secretary
24 shall read each Assembly bill the first time and shall read the
25 name of the committee to which the bill has been assigned by the
26 Committee on Rules. Unless otherwise ordered by the Senate
27 without debate the assignment of the bill shall then be complete,
28 and the Secretary shall deliver the bill to the committee so
29 designated.
30

31 Bill Introduction Limitation
32

33 22.5. (a) A Member of the Senate may introduce or
34 subsequently author not more than 50 bills in the regular session.

35 (b) This rule may be suspended with respect to a particular bill
36 by approval of the Committee on Rules.

37 (c) This rule does not apply to a constitutional amendment,
38 any type of resolution, or a bill introduced by a committee.

Short Title

22.6. A bill may not add a short title that names a current or former Member of the Legislature.

Introduction of Bills by a Committee

23. (a) A standing committee may introduce a bill germane to any subject within the proper consideration of the committee in the same manner as any Member. A committee bill shall contain the signatures of all of the members of the committee.

(b) A committee may amend into a bill related provisions germane to the subject and embraced within the title and, with the consent of the author, may constitute that bill a committee bill.

Bill Introduction Deadline

23.5. The Senate Desk shall remain open for the introduction of bills from 9:00 a.m. to 5:00 p.m. on the days designated in subdivision (a) of Joint Rule 54 as the deadlines for the introduction of bills in the first and second years of the regular session.

Introduction of Bills and Resolutions at Special Sessions

24. Whenever, at any special session, a bill or resolution is received at the Desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules, which shall decide whether or not the bill or resolution can properly be considered at the session. If, in the judgment of the Committee on Rules, the bill or resolution can be considered, the committee shall report the bill or resolution back and designate the committee to which it shall be assigned. Thereafter the bill or resolution shall be assigned a number by the Secretary, read the first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Resolutions

24.5. A Senate concurrent resolution or Senate resolution may be introduced relating to a present or former state or federal elected official or a member of his or her immediate family. Other resolutions for the purpose of commendation or congratulation of any person, group, or organization, or for the purpose of expressing sympathy, regret, or sorrow on the death of any person, shall be prepared as Rules Committee resolutions and presented to the Committee on Rules for appropriate action.

The Committee on Rules may approve exceptions to this rule for Senate resolutions. The Secretary may not accept for introduction any Senate resolution that is contrary to this rule unless it is accompanied by the approval of the Committee on Rules.

Senate Resolutions

25. All Senate resolutions eligible to be introduced under the rules, upon being presented, shall be given a number by the Secretary. A Senate resolution shall be printed, and indexed in the History and Journal.

Bills Authored by a Former Member

26. Whenever a bill in the Senate is authored by an individual who is no longer a Member of the Legislature, upon a request of a committee or current Member of the house in which the bill was introduced, the Senate Committee on Rules may authorize that committee or Member to be the author of that bill. Absent that authorization, action may not be taken by a committee or the Senate with respect to a bill authored by a former Member.

BILLS IN COMMITTEE

Author's Amendments

27. Upon request of the author of a bill, the chair of the committee to which the bill has been referred may, by his or her individual action taken independently of any committee meeting,

1 cause the bill to be reported to the Senate with the
2 recommendation that amendments submitted by the author be
3 adopted and the bill be reprinted as amended and rereferred to the
4 committee.

6 Withdrawing a Bill From Committee

8 28. A bill or resolution may not be withdrawn from
9 committee except upon written notice being first given to the
10 Committee on Rules and by 21 votes of the Senate.

12 Consent Calendar

14 28.3. (a) If a Senate bill or Assembly bill is amended in the
15 Senate to create a new bill or to rewrite the bill, a standing
16 committee may not place the bill on its consent calendar, and
17 may not report the bill out of committee with the
18 recommendation that it be placed on the consent calendar on the
19 floor.

20 (b) For purposes of this rule, an amendment creates a new bill
21 or rewrites the bill if the amendment (1) changes the subject of
22 the bill to a new or different subject, or (2) adds a new subject to
23 the bill that is different from, and not related to, the contents of
24 the bill.

26 Referral of Bills

28 28.4. (a) If a Senate bill or Assembly bill is amended in the
29 Committee on Appropriations to create a new bill or to rewrite
30 the bill and the chair of the committee determines pursuant to
31 Senate Rule 28.8 that (1) any additional state costs are not
32 significant and do not and will not require the appropriation of
33 additional state funds, and (2) the bill will cause no significant
34 reduction in revenues, the bill shall be reported to the Senate with
35 the recommendation that it be placed on second reading, except
36 that the bill first shall be referred to the Committee on Rules.
37 Upon receipt of the bill, the Committee on Rules shall either
38 refer the bill to an appropriate policy committee or order that the
39 bill be placed on second reading.

1 (b) For purposes of this rule, an amendment creates a new bill
2 or rewrites the bill if the amendment (1) changes the subject of
3 the bill to a new or different subject, or (2) adds a new subject to
4 the bill that is different from, and not related to, the contents of
5 the bill.

6
7 Measures to be Authored
8

9 28.5. Each bill, constitutional amendment, or resolution shall
10 be authored by a Member or committee of the Legislature before
11 it is considered or voted on by a committee or the Senate. Each
12 amendment to a bill, constitutional amendment, or resolution
13 shall be signed by a Member or committee of the Legislature
14 prior to adoption by the Senate. A bill may be authored only by a
15 Member or committee of the house of origin. A Member other
16 than a Member of the house of origin may be a “principal
17 coauthor” or “coauthor.”
18

19 Vote in Committee
20

21 28.7. Voting on the disposition of bills, constitutional
22 amendments, concurrent resolutions, and joint resolutions by
23 committees shall be by rollcall vote only. A rollcall vote shall be
24 taken on a motion to amend only if requested by any member of
25 the committee or the author of the measure. All rollcall votes
26 taken in committees shall be promptly transmitted by their
27 respective chairs to the Secretary of the Senate, who shall cause a
28 record of the rollcall votes to be printed in the Journal, together
29 with the text of amendments voted upon where the rollcall has
30 been recorded and the amendments adopted.

31 This rule does not apply to:

32 (a) Procedural motions that do not have the effect of disposing
33 of a bill.

34 (b) Withdrawal of a bill from a committee calendar at the
35 request of an author.

36 (c) A committee’s return of a bill to the Senate, if the bill has
37 not been voted on by the committee.

38 (d) The assignment of bills to committee.

39 On a legislative day when the President pro Tempore or
40 Minority Floor Leader is in attendance, he or she, in the absence

1 of any objection, may instruct the committee secretary of a
2 committee of which he or she is a member to add his or her vote
3 to any previously announced vote that was taken while he or she
4 was performing the responsibilities of the office of President pro
5 Tempore or Minority Floor Leader, provided the outcome of the
6 vote is not thereby changed. This provision does not apply to any
7 rollcall after adjournment of the legislative day during which the
8 rollcall in question was taken. The intent of this paragraph is to
9 allow the President pro Tempore and the Minority Floor Leader
10 to carry out the unique and special duties of their offices without
11 losing the opportunity to vote on matters before the committees
12 of which they are members.

13 14 Appropriations Committee

15
16 28.8. Any bill referred to the Committee on Appropriations
17 pursuant to Joint Rule 10.5 that does not appropriate money may
18 not be set for hearing and shall, along with any nonsubstantive
19 amendments, promptly be reported to the Senate with the
20 recommendation it be placed on second reading if the chair of the
21 committee determines that (a) any additional state costs are not
22 significant and do not and will not require the appropriation of
23 additional state funds, and (b) the bill will cause no significant
24 reduction in revenues.

25 26 State-Mandated Local Program Bills

27
28 28.9. (a) Any bill having a digest that, pursuant to Section
29 17575 of the Government Code, indicates that the bill requires
30 state reimbursement to local agencies or school districts for costs
31 mandated by the state shall be rereferred to the Committee on
32 Appropriations. The bill may not be rereferred to the Committee
33 on Revenue and Taxation.

34 (b) Any bill rereferred to the Committee on Appropriations
35 pursuant to this rule that does not appropriate money and does
36 not contain a complete disclaimer of all of the provisions of
37 Section 905.2 of, and Part 7 (commencing with Section 17500)
38 of Division 4 of Title 2 of, the Government Code, need not be set
39 for hearing and may, along with any nonsubstantive
40 amendments, be reported to the Senate with the recommendation

1 that it be placed on second reading if the chair of the committee
2 determines, after consideration of the analyses of local costs
3 prepared by the Legislative Analyst and the Department of
4 Finance, that (1) any additional local costs are not significant and
5 (2) the bill will cause no significant reduction in local revenues.

6 For the purposes of this rule, “complete disclaimer” means a
7 provision in a bill that prohibits local agencies and school
8 districts from filing claims with the State Board of Control for
9 reimbursement for the costs of unfunded mandated programs or
10 services.

11 (c) Whenever the Assembly amends and passes a Senate bill
12 and the Senate must concur in the amendments, upon the request
13 of any Senator the bill shall be rereferred to the Committee on
14 Appropriations if, based upon the Legislative Counsel’s Digest of
15 the Assembly amendments, the bill (1) imposes state-mandated
16 local costs without providing adequate reimbursement, or (2)
17 contains a complete disclaimer. The Committee on
18 Appropriations shall make a recommendation to the Senate
19 regarding whether the Senate should concur in the Assembly
20 amendments.

21 (d) Any bill referred to the Committee on Appropriations
22 solely pursuant to this rule, and that otherwise would not be
23 rereferred to the committee pursuant to Joint Rule 10.5, is not
24 subject to subparagraph (a)(1), (a)(6), (b)(3), or (b)(8) of Joint
25 Rule 61.

26 CONSIDERATION OF BILLS

27 Order of Making Files

28
29
30
31 29. When bills are reported from committee they shall be
32 placed upon the Daily File, to be kept by the Secretary as
33 follows: All bills when reported to the Senate by the committee
34 shall be placed at the foot of the Second Reading Senate or
35 Assembly File, in the order in which the reports are made and,
36 after the second reading, shall be placed at the foot of the Senate
37 or Assembly Third Reading File, in the order of reading. Unless
38 otherwise ordered by the Senate the File shall be taken up in the
39 following order: Senate Second Reading File, Assembly Second
40 Reading File, Special Orders, Unfinished Business, Senate Third

1 Reading File, Assembly Third Reading File. The bills upon the
2 third reading shall be considered in the order in which they
3 appear upon the File, unless otherwise ordered by the Senate.

4 A Senate bill returned from the Assembly for concurrence in
5 Assembly amendments may not be considered until it appears
6 under Unfinished Business on the Daily File pursuant to Joint
7 Rule 26.5 and an analysis is provided to each Senator pursuant to
8 Senate Rule 29.8.

9 An inactive file shall be kept, to which bills and resolutions
10 may be transferred at the request of the author, or on motion.
11 Bills shall be so transferred when they have been passed on third
12 reading file without action three successive times. Bills and
13 resolutions may be transferred from the inactive file to the
14 second reading file on motion and, after being read the second
15 time, the bills shall take their place regularly on third reading file
16 and be available for consideration and passage.

17 Bills, resolutions, and other questions may be transferred from
18 the unfinished business file to the inactive file upon request or
19 motion and may be returned to the unfinished business file by
20 request or on motion.

21 Placement of any question on the inactive file shall not
22 prejudice the question.

23 24 Strike From File

25
26 29.2. A motion to strike any bill, resolution, or other question
27 from the File shall require 21 votes. That bill, resolution, or other
28 question may not be acted upon again during the session.

29 30 Measures Amended From the Floor

31
32 29.3. The consideration of a bill, constitutional amendment,
33 concurrent resolution, joint resolution, or Senate resolution that
34 has been amended by amendments offered from the floor, except
35 committee amendments reported with measures or amendments
36 offered with a motion to amend and rerefer to committee, is not
37 in order until the amended measure has been in print for not less
38 than one legislative day. Any measure so amended shall be
39 placed on the second reading file.

1 Bills Approving Memoranda of Understanding

2
3 29.4. The Senate may not pass a bill that approves a
4 memorandum of understanding, for purposes of Section 3517.5
5 and following of the Government Code, until the final version of
6 the subject memorandum of understanding is received by the
7 Secretary of the Senate and made available for review for seven
8 legislative days and its availability for review noted in the Senate
9 Daily Journal for that period.

10
11 Amended Forms of Measures

12
13 29.5. No bill, constitutional amendment, concurrent
14 resolution, joint resolution, or Senate resolution may be
15 considered for passage unless and until a copy of the measure as
16 last amended is on the desk of each Member.

17
18 Conference Reports

19
20 29.6. (a) No conference committee on any bill, other than the
21 Budget Bill and the budget implementation bills, may approve
22 any substantial policy change in any bill if that substantial policy
23 change has been defeated in a policy committee of the Senate
24 during the current legislative session.

25 (b) For purposes of subdivision (d) of Joint Rule 29.5, the term
26 “heard” means that a printed bill with substantially similar
27 language was before the appropriate committee and taken up at a
28 regular or special hearing of the committee during the current
29 legislative session, or that an amendment, which was drafted and
30 given a request number or approved as to form by Legislative
31 Counsel, was before the committee and taken up at a regular or
32 special hearing of the committee.

33
34 Conference Committee Meetings

35
36 29.7. Before the adoption of a conference report by the
37 Senate, any Senator may raise a point of order and put the
38 following question to the chair of the committee on conference
39 from the Senate: “Did the Committee on Conference meet at a
40 public meeting attended by at least two of the Assembly

1 Members and two of the Senate Members of the Committee on
2 Conference and adopt the conference report by an affirmative
3 rollcall vote of not less than two of the Assembly Members and
4 two of the Senate Members constituting the Committee on
5 Conference?” If the chair answers this question in the negative,
6 the conference report shall be returned to the Committee on
7 Conference and may not be further considered by the Senate until
8 the committee has met at a public meeting attended by at least
9 two of the Assembly Members and two of the Senate Members
10 of the committee, and has adopted the conference report by an
11 affirmative rollcall vote of not less than two of the Assembly
12 Members and two of the Senate Members constituting the
13 committee.

14
15 Analysis of Measures, Conference Reports, and Floor
16 Amendments
17

18 29.8. (a) With the exception of the Budget Bill and budget
19 implementation bills, no bill, constitutional amendment,
20 concurrent resolution, joint resolution, Senate resolution,
21 unfinished business item, or report of a conference committee
22 may be considered unless and until an analysis thereof has been
23 prepared by the Office of Senate Floor Analyses and placed upon
24 the desks of the Senators, unless otherwise ordered by the
25 President pro Tempore.

26 (b) An amendment from the floor is not in order unless and
27 until the amendment has been reviewed by the Office of Senate
28 Floor Analyses. Upon a request by the Chair or Vice Chair of the
29 Committee on Rules, or by the lead author of the measure to
30 which a substantive amendment is proposed from the floor, an
31 analysis thereof shall be prepared by the Office of Senate Floor
32 Analyses and placed upon the desks of the Senators.

33
34 Consideration of Conference Reports
35

36 29.9. No conference report may be adopted by the Senate
37 until it has been in print for two days prior to being taken up by
38 the Senate.

Referral of Bills

29.10. (a) If the analysis, prepared in accordance with subdivision (b) of Rule 29.8, of proposed floor amendments to a bill, other than the Budget Bill, discloses that the amendments create a new bill or rewrite the current form of the bill, the amendments shall, prior to consideration of the amendments by the Senate, be referred to the Committee on Rules. If the amendments to the bill are proposed by any Senator other than the author of the bill or the Senator presenting the Assembly bill on the floor, action on the bill shall be deferred until after the Committee on Rules acts upon the amendments. Upon receipt of the amendments, the Committee on Rules by a vote of a majority of its membership may either (1) refer the amendments to an appropriate standing committee, or (2) return the amendments to the Senate floor for consideration.

If the amendments are referred to a standing committee, the committee shall meet and act upon the amendments no later than the next scheduled hearing of the committee. If the amendments are referred to a standing committee during a time when standing committees are not meeting, the standing committee shall meet and act upon the amendments as directed by the Committee on Rules and, in any event, within two legislative days of receipt of the amendments. Upon receipt of the amendments, the committee by a vote of a majority of the membership may do any of the following: (1) hold the amendments, (2) return the amendments to the Senate floor for consideration, or (3) return amendments as approved by the committee to the Senate floor.

If the amendments are referred to a standing committee during the time when no committee may meet, the Committee on Rules shall grant permission to suspend the joint rule to allow the committee to meet as directed by the Committee on Rules.

If the amendments are referred to the Committee on Rules on the last legislative day preceding a joint recess, the Committee on Rules and, if the amendments are referred to a standing committee, the standing committee, shall meet and act upon the amendments before adjourning for the recess. If the amendments are referred to the Committee on Rules on any of the three legislative days preceding February 1 or September 1 of an even-numbered year, the Committee on Rules and, if the

1 amendments are referred to a standing committee, the standing
2 committee, shall meet and act upon the amendments on the same
3 legislative day.

4 (b) If the analysis, prepared in accordance with subdivision (a)
5 of Rule 29.8, of a bill, other than the Budget Bill, that is returned
6 to the Senate for a vote on concurrence discloses that the
7 Assembly amendments create a new bill or rewrite the bill as
8 passed by the Senate, action on the bill shall be deferred until the
9 Committee on Rules acts upon the bill. The Committee on Rules
10 by a vote of a majority of its membership may either (1) refer the
11 bill to an appropriate standing committee, or (2) recommend that
12 the bill be taken up for consideration of the Assembly
13 amendments.

14 If the bill is referred to a standing committee, the committee
15 shall meet and act upon the bill no later than the next scheduled
16 hearing of the committee. If the bill is referred to a standing
17 committee during a time when standing committees are not
18 meeting, the standing committee shall meet and act upon the bill
19 as directed by the Committee on Rules and, in any event, within
20 two legislative days of receipt of the bill. Upon receipt of the bill,
21 the committee by a majority vote of the membership may either
22 (1) hold the bill, or (2) return the bill to the Senate floor for
23 consideration of the Assembly amendments.

24 If the bill is referred to a standing committee during the time
25 when no committee may meet, the Committee on Rules shall
26 grant permission to suspend the joint rule to allow the committee
27 to meet as directed by the Committee on Rules.

28 If the bill is referred to the Committee on Rules on the last
29 legislative day preceding a joint recess, the Committee on Rules
30 and, if the bill is referred to a standing committee, the standing
31 committee, shall meet and act upon the bill before adjourning for
32 the recess. If the bill is referred to the Committee on Rules on
33 any of the three legislative days preceding February 1 or
34 September 1 of an even-numbered year, the Committee on Rules
35 and, if the bill is referred to a standing committee, the standing
36 committee, shall meet and act upon the bill on the same
37 legislative day.

38 (c) An amendment creates a new bill or rewrites the bill if the
39 amendment (1) changes the subject of the bill to a new or

1 different subject, or (2) adds a new subject to the bill that is
2 different from, and not related to, the contents of the bill.

3
4 Special Order

5
6 30. Any measure or subject may, by vote of a majority of
7 those voting, be made a special order and, when the time fixed
8 for its consideration arrives, the presiding officer shall lay it
9 before the Senate.

10
11 Messages From the Governor or Assembly

12
13 31. Messages from the Governor or from the Assembly may
14 be introduced at any stage of business except while a question is
15 being put, while the ayes and noes are being called, or while a
16 Senator is addressing the Senate.

17 Messages from the Governor or from the Assembly may be
18 considered when indicated in the order of business or at any other
19 time by unanimous consent or upon motion.

20
21 Engrossing Measures

22
23 32. All Senate bills, constitutional amendments, and joint and
24 concurrent resolutions shall be engrossed after each amendment
25 and before final action is taken on them in the Senate.
26 Engrossment shall consist of comparing the printed engrossed
27 measure with the original measure introduced and any
28 amendments adopted to ascertain that it is correct. When a
29 measure is reported correctly engrossed it shall be substituted for
30 the original measure.

31
32 Enrolling Measures

33
34 33. All Senate measures shall be enrolled immediately
35 following their final passage and receipt from the Assembly. An
36 enrolled copy of every bill, constitutional amendment, or
37 resolution shall be printed and examined to ascertain that it is a
38 true and accurate copy of the measure as it was passed. It shall
39 then be authenticated by the signature of the Secretary or an

1 Assistant Secretary of the Senate and the Chief Clerk or an
2 Assistant Clerk of the Assembly, and transmitted to the Governor
3 or Secretary of State, as the case may be.

4
5 DEBATE

6
7 Statement of Motion

8
9 34. A motion may not be debated until it is distinctly
10 announced by the President, and it shall be reduced to writing if
11 desired by the President or any Senator, and read by the
12 Secretary, before it is debated.

13
14 Regulations as to Speaking

15
16 35. (a) When a Senator desires to address the Senate, he or
17 she shall rise in his or her place, address the President, and, when
18 recognized, proceed to speak through the public address system.

19 (b) A Senator may not speak more than twice in any one
20 debate on the same day, and at the same stage of the bill, without
21 leave; Senators who have once spoken are not again entitled to
22 the floor (except for explanation) so long as any Senator who has
23 not spoken desires to speak.

24 (c) When two or more Senators arise at the same time to
25 address the Senate, the presiding officer shall designate the
26 Senator who is entitled to the floor.

27 (d) A Senator may not be interrupted when speaking, and no
28 question may be asked of him or her except through the presiding
29 officer.

30 (e) The author of a bill, motion, or resolution shall have the
31 privilege of closing the debate.

32
33 Order in Debate

34
35 36. When a Senator is called to order he or she shall sit down
36 until the President has determined whether or not he or she is in
37 order. Every question of order shall be decided by the President,
38 subject to an appeal to the Senate by any Senator. If a Senator is
39 called to order for words spoken, the objectionable language

1 shall immediately be taken down in writing by the Secretary of
2 the Senate.

3
4 Right to Address the Senate
5

6 37. A person other than a Member of the Senate, or the
7 President thereof, may not address the Senate while it is in
8 session, except that the Senate may resolve itself into a
9 Committee of the Whole and, while sitting as a Committee of the
10 Whole, may be addressed by persons other than Members.

11
12 QUESTIONS AND MOTIONS
13

14 Amendments to Measures
15

16 38. When amendments to a measure are reported by a
17 committee or offered from the floor, the amendments shall be
18 submitted in writing.

19 Adoption of amendments to any measure in the Senate prior to
20 third reading, other than by rollcall, shall not preclude subsequent
21 consideration, in committee or on the third reading of the
22 measure, of the amendments or any part thereof by the Senate.

23
24 Amendments to Be Germane
25

26 38.5. Every amendment proposed must be germane. In order
27 to be germane, an amendment must relate to the same subject as
28 the original bill, resolution, or other question under
29 consideration.

30 A point of order may be raised that the proposed amendment or
31 an amendment now in the bill, resolution, or other question under
32 consideration is not germane, so long as the question is within
33 control of the body. In that case the President pro Tempore shall
34 decide whether the point of order is well taken. In the absence of
35 the President pro Tempore, the Vice Chair of the Committee on
36 Rules shall decide whether the point of order is well taken. If, in
37 the opinion of the President pro Tempore or the Vice Chair of the
38 Committee on Rules, the point of order is well taken, the
39 question of germaneness shall on his or her motion be referred to
40 the Committee on Rules for determination. The Committee on

1 Rules shall make its determination by the following legislative
2 day. If the point of order is raised and referral is made on the last
3 legislative day preceding a joint recess, the Committee on Rules
4 shall make its determination before adjourning for the recess.

5 The proposition shall remain on file until the determination is
6 made. If, upon consideration of the matter, the Committee on
7 Rules determines that the amendment is not germane, the bill,
8 resolution, or other question shall be stricken from the file and
9 may not be acted upon during the remainder of the session,
10 provided that the author of a bill, resolution, or other question
11 shall be given the opportunity to amend the bill, resolution, or
12 other question to delete the portions that are not germane, in
13 which case the bill, resolution, or other question may continue to
14 be acted upon. If the Committee on Rules determines that the
15 amendment is germane, the bill, resolution, or other question
16 may thereafter be acted upon by the house.

17 Notwithstanding Rule 21, this rule may not be suspended
18 unless the Committee on Rules determines that an extraordinary
19 circumstance and overwhelming public interest exist that justify
20 the suspension.

21 22 Amendments From the Floor

23
24 38.6. Amendments to a bill, constitutional amendment,
25 concurrent resolution, joint resolution, or Senate resolution
26 offered from the floor, except committee amendments reported
27 with measures or amendments offered with a motion to amend
28 and rerefer to committee, are not in order unless and until a copy
29 of the proposed amendments provided by the author has been
30 placed upon the desks of the Members.

31 32 Motion to Lay on the Table

33
34 39. When an amendment proposed to any pending measure is
35 laid on the table, it may not carry with it or prejudice the
36 measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: “Shall the question be now put?” It shall require a majority vote of the Senators present, and its effect shall be to put an end to all the debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous rollcall. Thereupon, a Member may not be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Vice Chair of the Committee on Rules, or, in the absence of both, of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered.

1 A recess may not be taken during a call of the Senate. During
2 any call, the call may be made to apply also to other items of
3 business by a motion made and adopted by a majority vote of the
4 Members present. Under those circumstances, when the call of
5 the Senate is dispensed with as to any item of business, the call is
6 deemed to be continued in effect until other items of business
7 that have been made subject to the call by a majority of the
8 Members present have been acted upon. When a call of the
9 Senate is ordered, pending the announcement of the vote upon
10 the completion of a rollcall, the pending rollcall shall become
11 unfinished business, the consideration of which shall be
12 continued until further proceedings under the call of the Senate
13 are dispensed with, when it will forthwith become the order of
14 business before the Senate.

15 A motion to adjourn is not in order during a call of the Senate.

16 Reconsideration

17
18
19 43. On the day on which a vote has been taken on any
20 question, a motion to reconsider the vote may be made by any
21 Member. Reconsideration may be granted only once.

22 The motion may be considered on the day made or on the
23 succeeding legislative day, but may not be further postponed
24 without the concurrence of 30 Members.

25 A vote by which a bill was passed may not be reconsidered on
26 the last legislative day preceding the interim study joint recess or
27 the final recess, and a vote by which the bill was passed may not
28 be reconsidered on a Senate bill introduced during the first year
29 of the biennium of the legislative session on January 31, or on the
30 last legislative day immediately preceding January 31, of an
31 even-numbered year.

32 When reconsideration of the vote by which any bill has passed
33 has been demanded, the Secretary may not transmit it to the
34 Assembly until the demand has been disposed of or the time for
35 reconsideration has expired, but if the bill has already been
36 transmitted to the Assembly the demand for reconsideration shall
37 be preceded by a motion to request the Assembly to return the
38 bill. The motion shall be put to a vote immediately without
39 debate and, if not adopted, shall preclude a demand for
40 reconsideration.

1 A demand to reconsider the vote on any debatable question
2 opens the main question to debate, and the vote on the
3 reconsideration shall be on the merits of the main question.

4
5 VOTING BY SENATE

6
7 Rescinding

8
9 43.5. An action whereby a bill has been passed or defeated
10 may not be rescinded without the concurrence of 27 Members.

11
12 Voting on Rollcall

13
14 44. Whenever a rollcall is required by the Constitution or
15 rules, or is ordered by the Senate or demanded by three
16 Members, every Member within the Senate shall without debate
17 answer “Aye” or “No” when his or her name is called.

18 The names of Members shall be called alphabetically.

19 A Senator may not vote or change his or her vote after the
20 announcement of the vote by the presiding officer.

21 On a legislative day when the President pro Tempore or
22 Minority Floor Leader is in attendance throughout a session, he
23 or she, in the absence of any objection, may instruct the Secretary
24 of the Senate to add his or her vote to any previously announced
25 vote that was taken while he or she was performing the
26 responsibilities of the office of President pro Tempore or
27 Minority Floor Leader, provided the outcome of the vote is not
28 thereby changed. This provision does not apply to any rollcall
29 after adjournment of the legislative day during which the rollcall
30 in question was taken. The intent of this paragraph is to allow the
31 President pro Tempore and the Minority Floor Leader to carry
32 out the unique and special duties of their offices without losing
33 the opportunity to vote on matters before the Senate.

34
35 Excused From Voting

36
37 45. When a Senator declines or fails to vote on call of his or
38 her name, he or she may, after completion of the rollcall and
39 before the announcement of the vote, be required to assign his or
40 her reasons therefor and, the Senator having assigned them, the

1 presiding officer shall submit the question to the Senate: “Shall
2 the Senator, for the reasons assigned by him or her, be excused
3 from voting?” which question shall be decided without debate.
4 Unless the Senator is excused from voting he or she shall be
5 required to vote.

6
7 Voting by Presiding Senator
8

9 46. When the President pro Tempore or any other Member of
10 the Senate is presiding over the Senate he or she shall vote on
11 rollcall the same as though he or she were not presiding.
12

13 Vote Required
14

15 47. Unless otherwise required by the Constitution, the Joint
16 Rules of the Senate and Assembly, or these rules, any action that
17 can be taken by the Senate requires only a majority vote of the
18 Senate, a quorum being present.
19

20 The following actions require 32 votes:

21 (1) To pass a bill amending specified provisions of the
22 Tobacco Tax and Health Protection Act of 1988 (Prop. 99, Nov.
23 8, 1988; Sec. 30130, R.& T.C.).

24 (2) To pass a bill amending the Clean Air and Transportation
25 Improvement Act of 1990 (Prop. 116, June 5, 1990; Sec. 99605,
26 P.U.C.).

27 (3) To pass a bill amending the California Wildlife Protection
28 Act of 1990 (Sec. 8, Prop. 117, June 5, 1990).

29 The following actions require 30 votes:

30 (4) To dispense with the constitutional provision requiring a
31 30-calendar-day delay after introduction before a bill may be
32 heard by any committee or acted upon by either house
33 (Constitution, Art. IV, Sec. 8(a)).

34 (5) To postpone the reconsideration of a vote beyond the first
35 legislative day succeeding the day the motion was made.

36 The following actions require 27 votes:

37 (6) To pass an urgency clause and urgency statute
38 (Constitution, Art. IV, Sec. 8(d)).

1 (7) To dispense with the constitutional provision requiring the
2 reading of bills on three several days (Constitution, Art. IV, Sec.
3 8(b)).

4 (8) To pass a bill over the Governor's veto (Constitution, Art.
5 IV, Sec. 10).

6 (9) To prescribe compensation and reimbursement for travel
7 and living expenses of the Members of the Legislature
8 (Constitution, Art. IV, Sec. 4).

9 (10) To propose an amendment to or revision of the
10 Constitution (Constitution, Art. XVIII, Secs. 1, 2).

11 (11) To amend or withdraw a proposed legislative
12 constitutional amendment or revision (Constitution, Art. XVIII,
13 Sec. 1).

14 (12) To classify or exempt personal property for property
15 taxation purpose (Constitution, Art. XIII, Sec. 2).

16 (13) To permit an exemption of real property from taxation
17 (Constitution, Art. XIII, Sec. 7).

18 (14) To remove a member of the Public Utilities Commission
19 (Constitution, Art. XII, Sec. 1).

20 (15) To reconsider the vote by which a concurrent resolution
21 proposing a constitutional amendment is defeated.

22 (16) To rescind the action whereby a bill has been passed or
23 defeated.

24 (17) To suspend the rule against lobbying in the Senate
25 Chamber.

26 (18) To concur in Assembly amendments to, or adopt a report
27 of a committee on conference concerning, a constitutional
28 amendment or bill that requires 27 votes for passage.

29 (19) To concur in Assembly amendments to, or adopt a report
30 of a committee on conference concerning, a Senate bill that
31 contains an item or items of appropriation subject to Section
32 12(d) of Article IV of the Constitution.

33 (20) To amend an initiative statute that permits that action and
34 requires 27 votes for passage.

35 The following actions require 21 votes:

36 (21) To adopt, amend, or suspend the rules, except as provided
37 in Rule 21.

38 (22) To pass a bill, unless under other rules a greater vote is
39 required (Constitution, Art. IV, Sec. 8(b)).

40 (23) To adopt a joint or concurrent resolution.

1 (24) To reconsider a bill, or a joint or concurrent resolution.

2 (25) To confirm an appointment by the Governor, unless a
3 greater vote is required by statute, or to reconsider the same.

4 (26) To recall a bill from committee.

5 (27) To concur in Assembly amendments to, or adopt a report
6 of a committee on conference concerning, a joint or concurrent
7 resolution or bill that requires 21 votes for passage.

8 (28) To change a rate of bank and corporation taxation, or tax
9 on insurers, for state purposes (Constitution, Art. XIII, Secs. 27,
10 28).

11 (29) To strike from file.

12 (30) To adopt a resolution that does not favor a Governor's
13 Reorganization Plan (Sec. 12080.5, Gov. Code).

14 Actions requiring 14 votes:

15 (31) To reconsider a vote by which a concurrent resolution
16 proposing a constitutional amendment was adopted.

17
18 Vote Required for Amendments
19

20 48. A constitutional amendment or bill requiring a vote of
21 two-thirds of the Members elected to the Senate for final
22 adoption or passage may be amended by a majority of those
23 voting.

24
25 CONTENTS OF SENATE JOURNAL
26

27 Proceedings to Be Printed
28

29 49. The proceedings of the Senate, when not acting as a
30 Committee of the Whole, shall be entered in the Journal as
31 concisely as possible, care being taken to record a true and
32 accurate account of the proceedings.

33 The Journal shall state the name of the Senator presenting each
34 Assembly bill, concurrent or joint resolution, or constitutional
35 amendment to the Senate for final action.

36 Every vote of the Senate shall be recorded in the Journal.

1 Titles of Measures to Be Printed

2
3 50. The titles of all bills, joint and concurrent resolutions, and
4 constitutional amendments when introduced and when acted
5 upon by the Senate, and a brief statement of the contents of each
6 petition, memorial, or paper presented to the Senate, shall be
7 printed in the Journal.

8
9 Other Matters to Be Printed

10
11 51. Messages from the Governor (other than annual messages
12 and inaugural addresses) shall be printed in the Journal, unless
13 otherwise ordered by the Senate.

14 Letters of transmittal presenting reports of committees and
15 reports of state departments and agencies as shall be made to the
16 Senate pursuant to law or resolution adopted by the Senate shall
17 be printed in the Journal, but the reports shall be printed in the
18 Appendix to the Journal unless otherwise directed by the Senate.

19
20 Duty of Secretary to Order Printing

21
22 52. It shall be the duty of the Secretary of the Senate, and he
23 or she is hereby directed, to order for the Senate the necessary
24 printing, including stationery for the Members, and to audit and
25 approve all bills for printing to be charged to the Senate. The
26 Secretary of the Senate shall order from the State Printer the
27 number of copies of bills, Journals, Histories, Files, forms, and
28 other printing as shall be necessary.

29 It shall further be the duty of the Secretary of the Senate to
30 order bills and other legislative publications for which there is a
31 demand, to be printed before the supply of same shall become
32 exhausted.

33
34 Printing Only on Written Orders; Rush Orders

35
36 53. The State Printer may not charge any printing or other
37 work to the Senate except as required by law unless he or she has
38 a written order from the Secretary of the Senate prior to
39 beginning the printing or other work. All printing orders by the
40 Secretary of the Senate shall be delivered as directed by him or

1 her. The Secretary of the Senate may, when necessity requires it,
2 order from the State Printer the printing that he or she deems
3 necessary to be printed in advance of the regular order of
4 business, under a specially prepared written order to be known as
5 a “Rush Order.”

6
7 THE SENATE CHAMBER

8
9 Admission to the Senate Chamber

10
11 55. (a) Persons who are not Members, officers, or employees
12 of the Senate may be admitted to the Senate Chamber only as
13 follows:

14 1. The Members, officers, and assistant clerks of the
15 Assembly.

16 2. The Legislative Counsel or his or her representatives.

17 3. The accredited press, radio, and television representatives.

18 4. Former State Senators and Assembly Members.

19 5. Visitors in the chairs reserved for that purpose, on invitation
20 of the President or a Senator or on presentation of a pass.

21 (b) While the Senate is in session a person, except Members of
22 the Legislature, may not engage in influencing the passage or
23 defeat of legislation in any way in the Senate Chamber.

24 (c) A person meeting the definition of a lobbyist in Section
25 82039 of the Government Code may not be admitted to the
26 Senate Chamber while the Senate is in session.

27 (d) Only Members and officers of the Senate and Assembly,
28 former Members of the Senate, assistant clerks of the Senate and
29 the Assembly, the Legislative Counsel or his or her
30 representatives, Senate employees for the purpose of delivering
31 messages and when so directed by a Member of the Senate, and
32 members of the press who have seats assigned to them may be
33 permitted on the Floor of the Senate.

34 (e) The Senate Chamber is the Senate Chamber proper, the
35 adjoining hallway, Rooms 3030, 3046, 3191, 3195, and 3196 of
36 the Capitol Annex, and Room 215 of the Capitol.

37 (f) The Floor of the Senate is all of the Senate Chamber except
38 the adjoining hallway and the rooms listed in subdivision (e), the
39 visitors seating area, and the western portion of Room 3191.

1 (g) Notwithstanding any other provision of this rule, any
2 person may be admitted to Room 3191 and Room 215 to attend a
3 meeting of a Senate, Assembly, joint, or conference committee.

4 (h) Notwithstanding any other provision of this rule, a person
5 may not be permitted on the Floor of the Senate while it is in
6 session unless the person is wearing appropriate attire.
7 Appropriate attire includes coats and ties for men. Accredited
8 camerapersons, sound technicians, and photographers are
9 excepted from this requirement. Floor of the Senate, for this
10 purpose, has the same meaning set forth in subdivision (f).

11 (I) This rule may be suspended by a vote of two-thirds of the
12 Members of the Senate.